UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

UNITED STATES OF AMERICA ex rel CURTIS LOCKEY AND CRAIG MACKENZIE

Plaintiffs,

v.

CITY OF DALLAS, TEXAS, et al.,

Defendants.

Civil Action No. 3:11-cv-354-O

THE HOUSING AUTHORITY OF THE CITY OF DALLAS, TEXAS' MOTION TO DISMISS

\$\text{co} \text{co} \text

TO THE HONORABLE COURT:

The Housing Authority of the City of Dallas, Texas ("DHA") respectfully files this motion and moves for an order dismissing Relators Curtis Lockey and Craig Mackenzie's ("Relators") lawsuit.

Relators do not have jurisdiction in this Court since their *qui tam* False Claims Act ("FCA") claims are based upon public disclosures and the Relators are not the original source of their claims. Moreover, DHA maintains that Relators failed to comply with Rule 9(b) because they did not plead their FCA claims with the required particularity. DHA further asserts that Relators failed to state a claim upon which relieve can be granted under Rule 12(b)(6).

This Motion is based on the pleadings and papers on file in this case, the attached Memorandum in Support of this Motion, and DHA's Appendix to its Memorandum in Support.

THE HOUSING AUTHORITY OF THE CITY OF DALLAS, TEXAS' MOTION TO DISMISS

WHEREFORE, PREMISES CONSIDERED, DHA requests that the Court grant in whole, or alternatively in part, its motion to dismiss.

Respectfully submitted,

/s/ Gerald Bright

Gerald Bright Walker Bright PC 100 North Central Expressway, Suite 800 Richardson, Texas 75080 (972) 744-0192 (972) 744-0067 (Facsimile)

/s/ Earsa R. Jackson

Katie Anderson State Bar No. 00789631 Earsa R. Jackson State Bar No. 24007428 Strasburger & Price, LLP 901 Main Street, Suite 4400 Dallas, Texas 75202-3794 214.651.4300 214.651.4330 (Facsimile)

ATTORNEYS FOR THE HOUSING AUTHORITY OF THE CITY OF DALLAS, TEXAS

CERTIFICATE OF SERVICE

The undersigned counsel certifies that on the 19th day of March, 2012, a true and correct copy of the foregoing was forwarded to all known counsel via the U.S. District Court, Northern District of Texas electronic case files system in compliance with the Federal Rules of Civil Procedure.

/s/ Earsa R. Jackson